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7 JAMES A. HARRIS
(Additional Appearances Noted On Signature Page)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

23 Plaintiff James A. Harris, Intervenor Michael J. Stone (together "Plaintiffs") and Defendant
24 Gulf Insurance Company respectfully submit this stipulation to continue the upcoming Case
25 Management Conference ("CMC") currently set for May 11, 2007 at 1:30 p.m., to November 13,
26 2007, at 2:00 p.m. The reason for the continuance is as follows:

1 This case was one of three related cases before the Court, and deals with the insurance
2 coverage issues posed by the U.S. Aggregates Securities Litigation. The remaining two cases, *In re*
3 *U.S. Aggregates, Inc. Securities Litigation*, Master File No. C-01-1688-CW, and *Moglia v. Harris*,
4 No. C 04 2663 CW, have been settled.

5 This case is currently on appeal to the Ninth Circuit. This Court entered final judgment on
6 September 28, 2005 on Counts I and II of Plaintiffs' First Amended Complaint, the two counts that
7 raised the major insurance coverage questions. The remaining counts of the First Amended
8 Complaint allege breach of contract and bad faith claims. All proceedings with respect to the two
9 remaining counts were stayed pending resolution of the appeal. *See* the Court's Order Granting the
10 Parties Joint Application for Judicial Resolution of Counts I and II of Plaintiff's First Amended
11 Complaint under Federal Rule of Civil Procedure 54(b), dated September 28, 2005, copy attached.

12 The appeal has been fully briefed as of May 4, 2006. The Ninth Circuit, as of this date, has
13 not yet scheduled oral argument. This Court originally scheduled the status conference so that the
14 parties could report on the status of the Ninth Circuit's proceedings.

15 Given the current status of the appeal, the parties respectfully request that the scheduled
16 CMC be continued from May 11, 2007 until November 13, 2007 at 2:00 p.m. (or at such other date
17 or time as desired by the Court), and that a joint case management statement be filed no later than
18 10 (ten) days before whatever date is set by the Court as the new date for the reset CMC. If the
19 Court requests, the parties will provide the Court with periodic status reports as the Court may
20 desire.

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1 DATED: April 18, 2007

HELLER EHRMAN LLP
STEPHEN N. GOLDBERG

3 By: _____/s/
4 STEPHEN N. GOLDBERG

5 Attorneys for Plaintiff
6 JAMES A. HARRIS

7 DATED: April 18, 2007

JEFFER, MANGELS, BUTLER & MARMARO LLP
ROBERT C. GEBHARDT
JULIA J. RIDER

9 By: _____/s/
10 JULIA J. RIDER

11 Attorneys for Plaintiff/Intervenor
12 MICHAEL J. STONE

14 DATED: April 18, 2007

15 TUCKER ELLIS & WEST LLP
ALEC BOYD

16 By: _____/s/
17 ALEC BOYD

18 Attorneys for Defendant
19 GULF INSURANCE COMPANY

20 ~~[PROPOSED]~~ ORDER

21 IT IS HEREBY ORDERED THAT the Case Management Conference scheduled for
22 May 11, 2007 is hereby continued to November 13, 2007 at 2:00 p.m., and that a joint case
23 management statement shall be filed no later than 10 (ten) days prior to the CMC.

24 DATED: April 23, 2007


25 The Honorable Claudia Wilkens